

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8410 of 2019

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Vinit Singh Jha Son of Sri Vibhutinath Singh Jha R/o Mohalla-Kabraghat,
Ward No. 6(N), Naka No. 2, P.S. L.N.M.U., District-Darbhanga

... .. Petitioner/s

Versus

1. The Chief Manager, Indian Overseas Bank Regional Office, Naseema House, West Gandhi Maidan, Patna
2. The Senior Manager Indian Overseas Bank, Kathalbari, Darbhanga
3. The Authorized Officer Indian Overseas Bank, Kathalbari, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Iqbal Asif Niazi, Advocate
For the Respondent/s	:	Mr. Shivendra Kumar Roy, Advocate
		Mr. Jitendra Kumar Roy, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-11-2022

Petitioner has prayed for following reliefs:

“I. For issuance of a writ in the nature of certiorari to quash the demand notice under section 13 (2) of the SARFAESI Act dated 05.09.2017 and to hold that the entire proceeding initiated under the SARFAESI Act is void ab-initio.

II. For holding that the classifying the loan amount of the petitioner as NPA on 13.12.2015 is illegal.

III. For issuance of a writ in the nature of certiorari to quash the possession notice u/s 13(4) of the SARFAESI Act read with rule-8(1) of the rules.

IV. For further directing the concerned respondent bank to reconsider the entire issue and recalculate the entire amount due as per the banks norms and to fix a new installment schedule.

V. For further to take appropriate action to protect the property of the petitioner for the reason that the



petitioner resides in the house constructed over the mortgaged land in question.

VI. For further restraining the bank from proceed further to take any coercive action against the petitioner till the disposal of the instant writ petition and for any other relief / reliefs for which the petitioner is legally entitled in the eye of the law in the facts and circumstances of the case.”

Learned counsel for the respondent-Bank states that during pendency of the present petition, the petitioner’s account stands regularized and installments are being paid in terms of the agreement.

In view of the same, learned counsel for the petitioner does not press the present petition, reserving liberty to initiate action, if so required, in accordance with law.

Petition stands disposed of with the liberty aforesaid.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	03.11.2022
Transmission Date	

